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LONG ISLAND OFFICE

NB:SSA  
F. #2023R00730

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA

- against -

BRANDON THOMAS KERN,

Defendant.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

**CR 23 466**  
(T. 18, U.S.C., §§ 2251(a), 2251(e),  
2252(a)(4)(B), 2252(b)(2), 2253(a),  
2253(b) and 3551 et seq.; T. 21, U.S.C.,  
§ 853(p))

**BROWN, J.  
WICKS, M.J.**

COUNT ONE

(Sexual Exploitation of a Minor – Jane Doe #1)

1. In or about and between December 2020 and July 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRANDON THOMAS KERN, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #1, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, to wit: one or more mobile Internet devices, computers and smartphones.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT TWO

(Sexual Exploitation of a Minor – Jane Doe #2)

2. In or about February 2021, within the Eastern District of New York and elsewhere, the defendant BRANDON THOMAS KERN, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #2, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, to wit: one or more mobile Internet devices, computers and smartphones.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT THREE

(Sexual Exploitation of a Minor – Jane Doe #3)

3. In or about and between March 2021 and September 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRANDON THOMAS KERN, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #3, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in

and affecting interstate and foreign commerce by any means, to wit: one or more mobile Internet devices, computers and smartphones.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT FOUR

(Sexual Exploitation of a Minor – Jane Doe #4)

4. In or about and between September 2021 and October 2021, both dates being approximate and inclusive, within the Eastern District of New York, the defendant BRANDON THOMAS KERN, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #4, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, to wit: one or more mobile Internet devices, computers and smartphones.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT FIVE

(Sexual Exploitation of a Minor – Jane Doe #5)

5. In or about and between March 2021 and May 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRANDON THOMAS KERN, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #5, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more

visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, to wit: one or more mobile Internet devices, computers and smartphones.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT SIX  
(Possession of Child Pornography)

6. In or about and between December 2020 and October 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRANDON THOMAS KERN did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images and videos depicted in digital files contained in a Snapchat account controlled by KERN, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

7. The United States hereby gives notice to the defendant BRANDON THOMAS KERN that, upon his conviction of any of the offenses charged herein, the

government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of: (a) any visual depiction described in Sections 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offense; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, including but not limited to electronic devices seized on or about October 8, 2021 from the defendant in Ohio and electronic devices seized on or about June 2, 2022, from the defendant's residence in Bayport, New York.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

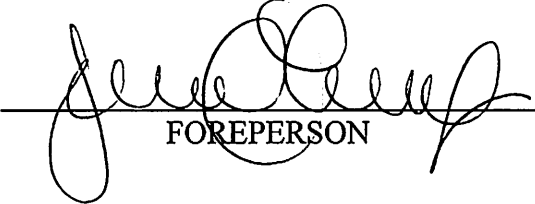
divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other

property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON

*By Carolyn Pokorny, Assistant U.S. Attorney*

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BREON PEACE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

F.#: 2023R00730  
FORM DBD-34  
JUN. 85

No. \_\_\_\_\_

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UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

BRANDON THOMAS KERN,

Defendant.

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INDICTMENT

(T. 18, U.S.C., §§ 2251(a), 2251(e), 2252(a)(4)(B), 2252(b)(2), 2253(a),  
2253(b) and 3551 et seq.; T. 21, U.S.C., § 853(p))

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*A true bill.*

\_\_\_\_\_  
Foreperson

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Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

Bail, \$ \_\_\_\_\_

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*Samantha Alessi, Assistant U.S. Attorney*